REMARKS

Favorable reconsideration of the above-identified application is requested in view of the following remarks.

The Examiner is thanked for the courtesy of the interview granted Applicant's attorney on March 16, 2007. During the course of the interview, the subject matter of USP 6,809,741 (*Bates*) was discussed. Applicant's attorney argued that *Bates* is intended to only work on documents having one color in the foreground, whereas the Examiner argued that *Bates* is intended to be applied against documents having multiple colors in the foreground. No agreement was reached.

Claims 1-36 are pending, with Claims 1, 14, 24 and 27 being independent. The Examiner is thanked for indicating that Claims 7, 8, 20, 21, 33 and 34 contain allowable subject matter.

With regard to the 35 USC 101 rejection, the foregoing amendments should overcome the issues raised by the Examiner.

Claims 1-3, 9, 11-14-16, 22-29 and 35 are rejected under 35 U.S.C. § 102(e) as being anticipated by *Bates*. Claims 4, 6, 10, 17, 19, 30, 32 and 36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bates* in view of *Honda* (Translation of Japanese Patent No. 09-025285A), hereinafter *Honda*. Claims 5, 18 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bates* in view of *Honda* and further in view of *Fujimoto et al.* (U.S. Patent No. 5,930,385), hereinafter *Fujimoto*. Claims 12 and 13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Bates* in view of *Adegeest* (U.S. Patent No. 5,872,572), hereinafter *Adegeest*.

Independent Claim 1 now recites, in combination with other claimed features, means for grouping all the colors in the first image data into groups of approximately equal colors and comparing each of the first image data groups of colors to all the colors of the second image data and for specifying a uniform adjusting color, that makes the first image data recognizable against all colors of the second image data that serve as the first image data's background.

Bates does not disclose that colors of the foreground, *i.e.*, the first image data, are grouped into groups of approximately equal colors and each of the groups of colors is compared to all the background colors, *i.e.*, second image data, as recited in present Claim 1. The Examiner's attention is directed to column 11, lines 11 – 13 of *Bates*, which refers to "multiple text objects having different colors". However, there is no discussion in *Bates* of a single text object having multiple colors. Therefore, the foregoing reference to "multiple colors" is in reference to the "multiple text objects", wherein each object has only one color but the one color of one object may be different than the one color of another of the objects. Accordingly, one of ordinary skill in the art, when reading *Bates*, would understand that in the *Bates* process, the foreground or text object has only one color. See, for example, column 12, lines 32 – 34, wherein reference is made to the text object's (singular) color.

Thus, when the *Bates* process reaches step S530 in Figure 5, if the process is acting on the foreground text, the answer to the inquiry of step S530 will be NO.

In step 320 of *Bates*, the color of the text corresponding to the foreground object is determined. Column 12, lines 35-36 state that "The color of text objects is primarily determined by accessing the HTML file of the web page, as is well known in the art." In step 325, the color contrast adjuster determines if there is a color

contrast problem, *e.g.*, yellow on green, between the background object and the foreground object by searching through the saved color combinations or the users list of color combinations. In step 335, if a problematic color match is found, the color contrast adjuster selects a preferred color combination that corresponds to the problematic color combination. As indicated in Figures 3 and 4 and column 21, lines 10 – 22, the process is repeated for each of the top N background colors.

As set forth above, a skilled person would have understood *Bates* to disclose determination of a single foreground and comparison of the text color to the colors of the background. A skilled person in the art would **not** have understood *Bates* to disclose the claimed features relating to grouping foreground colors, in combination with the other claimed features, in the context of the present application. For at least that reason, Claim 1 is not anticipated by *Bates* and the rejection should be withdrawn.

The rejections of the remaining claims should be withdrawn for similar reasons with regard to similar claim language.

The dependent claims are rejected either over *Bates*, or over *Bates* in view of various secondary references. None of the rejections of the dependent claims remedy the deficiencies of the rejections of the independent claims, and the dependent claims should be allowable at least by virtue of their dependence from allowable independent claims.

For the reasons stated above, it is requested that all the rejections be withdrawn and that this application be allowed in a timely manner.

Should any questions arise in connection with this application, or should the Examiner feel that a teleconference would be helpful in resolving any remaining

issues pertaining to this application, the undersigned requests that he be contacted

at the number indicated below.

Respectfully submitted,

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